



CRL O.P. Nos.31302 of 2024 & batch

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. Nos.31302, 32321 & 32602 of 2024 and
2269, 2138 & 2142 of 2025

Anthony Ruban	... Petitioner in Crl.O.P. No. 2142 of 2025/A4
Santhosh	... Petitioner in Crl.O.P. No. 32321 of 2024/A5
Sathish Kumar	... Petitioner in Crl.O.P. No. 2138 of 2025/A7
Thalari Masthan @ Mathan.	... Petitioner in Crl.O.P. No. 32602 of 2024/A10
Ameh Zion Inalegwu	... Petitioner in Crl.O.P. No. 31302 of 2024/A11
Veeranki Venkata Ramana	... Petitioner in Crl.O.P. No. 2269 of 2025/A14

Versus

The State Rep. By The Inspector of Police, K-8 Arumbakkam Police Station, Chennai. Crime No.441 of 2024	... Respondent
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COMMON PRAYER: Criminal Original Petitions filed under Section 483 of B.N.S.S., praying to enlarge the petitioners on bail pending investigation in Crime No.441 of 2024 on the file of the respondent Police.



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WEB COPY For petitioners : Mr. S. Kasirajan in Crl.O.P. Nos.2142 &2138 of 2025.

Mr. V. Sakkarapani in Crl.O.P.No.32321 of 2024.

Mr. V. Arunkumar in Crl.O.P.No.32602 of 2024.

Mr. M. Venkadeshnan inCrl.O.P.No.31302 of 2024.

Mr. P. Muthamizhselvakumar
in Crl.O.P.No.2269 of 2025.

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side).

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 23.10.2024, seeking bail in Crime No.441 of 2024 registered for the offence under Sections 8(c) read with 22(b) and 29(1) of the NDPS Act, 1985 @ 8(c) read with 22(b), 22(c), 25, 20(b)(ii)(A) and 29(1) of the NDPS Act.

2.The case of the prosecution is that on secret information, A1 was found to be in possession of 11.59 grams of Methaphatamine; that on his confession, it was revealed that A1 purchased the same from A4 and A5



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(petitioners in Crl.O.P.Nos.2142 of 2025 & 32321 of 2024); that A4 and A5 were arrested; that there was no seizure from A4; that 2.5 kgs of Ganja was seized from A5; that A7 (petitioner in Crl.O.P.No.2138 of 2025) was implicated on the confession of A5 and there is no seizure from him; that A10 (petitioner in Crl.O.P.No.32602 of 2024) was employed under A8 and on information that others were arrested, he escaped and there was no seizure from him; that A11(petitioner in Crl.O.P.No.31302 of 2024) had given his bank account to A17 (since January 2024) for the illegal monetary transactions; and that A14 (petitioner in Crl.O.P.No.2269 of 2025) is the person who had accompanied A8 in the car along with A13 and no seizure was made from him. Hence, the case.

3.Learned counsel for the petitioners submitted that the allegations against the petitioners are false; that they are sought to be implicated in this case on the confession of the co-accused; that there was no seizure from all the petitioners except from A5 (petitioner in Crl.O.P.No.32321 of 2024) from whom 2.5 kgs of Ganja was seized; and that there is nothing to suggest that they were in joint possession of commercial



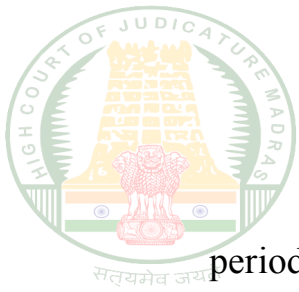
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quantity and hence submitted that the rigors of Section 37 of the NDPS Act would not be applicable. Further, learned counsel for the petitioner in Crl.O.P.No.31302 of 2024 (A11) would submit that he was not in possession of any contraband and he has only given his account for bank transactions. The learned counsel further submitted that the petitioners are in custody from 23.10.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court and since further custody is not required, the petitioners may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that the petitioners have been implicated only on the confession of co-accused and that no seizure was made from them except A5 (petitioner in Crl.O.P.No.32321 of 2024).

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the aforesaid facts; the nature of allegations; the



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period of incarceration; and since the prosecution has not established that the petitioners were in joint possession of commercial quantity along with co-accused; the rigors of Section 37 of the NDPS Act would not be applicable to the petitioners. Except for A5, the petitioner in Crl.O.P.No.32321 of 2024, there was no seizure from any of the accused. A11, the petitioner in Crl.O.P.No.32321 of 2024 was implicated only on the confession of the co-accused. That apart, this Court is of the view that further custody is not required for the purpose of investigation and hence inclined to grant bail to the petitioners with conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, each for a like sum to the satisfaction of the V Metropolitan Magistrate, Egmore.

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;



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[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

[g] Since the petitioner in Crl.O.P.No.31302 of 2024 is a Nigerian National, the respondent shall communicate the order of granting bail, to the concerned Registration Officer appointed under Rule 3 of Registration of Foreigners Rules, 1992 as per the decision of the Hon'ble Supreme Court in ***Frank Vitus Vs. Narcotics Control Bureau and others*** in Crl.Appeal Nos.2814-2815 of 2024 dated 06.01.2025.

24.02.2025



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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai.

3.The V Metropolitan Magistrate,
Egmore.

4.The Central Prison,
Puzhal.



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SUNDER MOHAN. J,

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